

b) REMARKS

The Examiner required restriction between:

Group I, claims 1-7, 38 and 48-49, drawn to a method of making a functional device or a magnetic recording medium;

Group II, claims 8-20, drawn to a function device; and

Group III, claims 21-37, 39-47 and 50, drawn to a magnetic recording medium.

The restriction requirement is respectfully traversed.

The subject matter of Group II, claims 8-20 is a function device product which is formed in a structure having columnar members and an area surrounding the members. The device is formed by removing the columnar members and thereafter filling a functional material into the porous body obtained by removing the members.

Claim 1, in Group I is directed to a method for manufacturing a function device by preparing the columnar members and surrounding area; removing the columnar members to form a porous body and filling the porous body with a functional material. Accordingly, claim 1, which is a process to make, is a mirror of claim 8, which is directed to the product formed by the process of claim 1. Accordingly, a search of Group II will necessarily include the subject matter of Group I and vice-versa.

In response to the restriction requirement, Applicants provisionally elect with traverse, the claims of Group II, claims 8-20.

It is requested that the claims of Group I be rejoined with the claims of Group II, since the processes claimed cannot be used to make another or materially

different product and that the product as claimed, is made by the process of Group I.

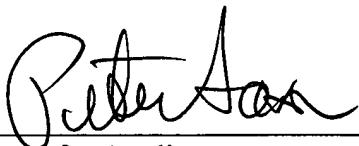
Accordingly, in the event that claims 8-20 are allowed, it is requested that claims 1-7, 38 and 48-49 be rejoined under MPEP §821.04.

It should also be understood that the method for making a magnetic recording medium set forth in claim 38 of Group I results in the perpendicular magnetic recording medium of claims 21, 22 and/or 24 of Group III. Consequently, a search of either of such claims would necessarily cover the subject matter of the other. Accordingly, it is also requested that Groups I and III be rejoined with Group II for the reasons set forth above.

An early and favorable action on the merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Peter Saxon
Registration No. 24,947

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200